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JAN 28 2004

OFFICE OF PETITIONS

In re Application of
Hakansson et al.
Application No. 10/608,152
Filed: June 30, 2003
Title: PROCESS FOR PRODUCING ALKALI
METAL CHLORATE

DECISION ON PETITION

This is a decision on the "PETITION TO WITHDRAW NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION UNDER 37 CFR 1.53(e) AND TO ASSIGN THE ORIGINAL FILING DATE," filed November 21, 2003, requesting that the above-identified application be accorded a filing date of June 30, 2003.

Application papers in the above-identified application were received on June 30, 2003. However, on September 23, 2003, the Office mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

Petitioner responded with the instant petition (and authorization to charge the petition fee). Petitioner asserts that the above application was hand carried directly to the Patent and Trademark Office on June 30, 2003, with one sheet of drawings containing Figures 1 and 2. In support thereof, petitioner submitted a copy of their date-stamped postcard receipt. Petitioner also supplied a copy of the drawing sheet.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of the postcard receipt reveals that: 1) it bears an OIPE date-stamp acknowledging receipt on June 30, 2003 of the correspondence assigned application No. 10/608,152, 2) it identifies the items being filed, including "one sheet drawings," and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the one sheet of drawings, were filed on June 30, 2003.

Accordingly, the petition is GRANTED.

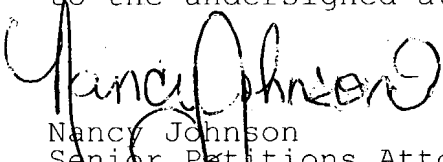
Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, the fee will not be charged to the Deposit Account as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of June 30, 2003, using the application papers received in the Office and presently accorded that date; and the drawing sheet containing Figures 1-2 resupplied on petition filed November 21, 2003.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions